

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MERYL POMPONIO,

Plaintiff,

v.

JOSE HERNANDEZ, et al.,

Defendants.

Case No. [20-cv-07545-TSH](#)

ORDER TO SHOW CAUSE

On October 27, 2020, Plaintiff Meryl Pomponio filed this complaint against Jose and Graciela Hernandez, alleging violations of the ADA. To date, no proof of service of the summons and complaint has been filed. “If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Accordingly, the Court **ORDERS** Plaintiff to show cause, in writing and no later than February 9, 2021, why this case should not be dismissed for failure to serve within the time required by Rule 4(m). Notice is hereby provided that failure to file a written response will be deemed an admission that Plaintiff do(es) not intend to prosecute, and the case will be dismissed without prejudice. Thus, it is imperative the Court receive a written response by the deadline above.

IT IS SO ORDERED.

Dated: January 26, 2021


THOMAS S. HIXSON
United States Magistrate Judge